



General Assembly

January Session, 2013

Amendment

LCO No. 7641

SB0108107641SD0

Offered by:

SEN. MEYER, 12th Dist.

To: Subst. Senate Bill No. 1081

File No. 447

Cal. No. 305

"AN ACT CONCERNING RECYCLING AND JOBS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 22a-207a of the general statutes is repealed and
4 the following is substituted in lieu thereof (*Effective October 1, 2013*):

5 (a) As used in sections 22a-208d, 22a-208q and subsection (b) of
6 section 22a-228: (1) "Composting" means a process of accelerated
7 biological decomposition of organic material under controlled
8 conditions; (2) "mixed municipal solid waste" means municipal solid
9 waste that consists of mixtures of solid wastes which have not been
10 separated at the source of generation or processed into discrete,
11 homogeneous waste streams such as glass, paper, plastic, aluminum or
12 tire waste streams provided such wastes shall not include any material
13 required to be recycled pursuant to section 22a-241b₂ [.] and (3) "mixed
14 municipal solid waste composting facility" means a volume reduction
15 plant where mixed municipal solid waste is processed using

16 composting technology.

17 (b) As used in this chapter, "end user" means any person who uses a
18 material for such material's original use or any manufacturer who uses
19 a material as feedstock to make a marketable product.

20 Sec. 2. Section 22a-208f of the general statutes is repealed and the
21 following is substituted in lieu thereof (*Effective October 1, 2013*):

22 Notwithstanding the provisions of section 22a-208a, a scrap metal
23 processor, as described in section 14-67w, shall not be required to
24 obtain a permit under [said] section 22a-208a if on or before [July 1,
25 1990] July 31, 2014, and annually [on March thirty-first thereafter, he]
26 thereafter, such scrap metal processor submits to the Commissioner of
27 Energy and Environmental Protection, on a form prescribed by the
28 commissioner, the amount of scrap metals generated within the
29 borders of the state and purchased or received [from any municipality,
30 municipal or regional authority, the state or any political subdivision
31 of the state listed by town of origin. He shall also send to each
32 Connecticut municipality included in such listing a copy of such
33 information pertaining to the municipality] by such processor for the
34 prior state fiscal year, including a good faith estimate of the amount
35 received directly from instate construction or demolition sites. Such
36 report shall identify the monthly amounts of scrap metal generated
37 within the state, other recyclable materials generated within the state
38 and recycling residue generated, each of which was sent out by such
39 processor, and indicate the destination facility type for such materials,
40 including an indication of whether such facility is in this state.

41 Sec. 3. Subsection (g) of section 22a-220a of the general statutes is
42 repealed and the following is substituted in lieu thereof (*Effective*
43 *October 1, 2013*):

44 (g) As used in this section, "collector" means any person who holds
45 himself out for hire regularly to collect solid waste [on a regular basis]
46 from residential, business, commercial or other establishments.

47 "Collector" does not include: (1) Any person who transports solid
48 waste that is incidentally generated during professional or commercial
49 activities unrelated to the collection of solid waste, such as residential
50 property repairs, provided such solid waste is self-generated by such
51 person's professional or commercial activities and such solid waste is
52 transported to an authorized recycling facility, a permitted recycling
53 facility, or a permitted solid waste facility, and (2) any person who
54 transports used materials for the purpose of delivering such materials
55 to a charitable organization that distributes reused household items or
56 to a retail facility that sells reused household items.

57 Sec. 4. Subsection (a) of section 22a-226e of the general statutes is
58 repealed and the following is substituted in lieu thereof (*Effective*
59 *October 1, 2013*):

60 (a) [Not later than six months after the establishment of service in
61 the state by two or more permitted source-separated organic material
62 composting facilities, as defined in section 22a-207, that have a
63 combined capacity to service the needs of commercial food
64 wholesalers or distributors, industrial food manufacturers or
65 processors, supermarkets, resorts or conference centers that each
66 generate an average projected volume of not less than one hundred
67 four tons per year of source-separated organic materials] (1) On and
68 after January 1, 2014, each commercial food wholesaler or distributor,
69 industrial food manufacturer or processor, supermarket, resort or
70 conference center that is located not more than twenty miles from an
71 authorized source-separated organic material composting facility and
72 that generates an average projected volume of not less than one
73 hundred four tons per year of source-separated organic materials shall:
74 [(1)] (A) Separate such source-separated organic materials from other
75 solid waste; and [(2)] (B) ensure that such source-separated organic
76 materials are recycled at [a permitted source-separated organic
77 material composting facility that is not more than twenty miles from
78 such wholesaler, distributor, manufacturer, processor, supermarket,
79 resort or conference center, as applicable] any authorized source-

80 separated organic material composting facility that has available
81 capacity and that will accept such source-separated organic material.

82 (2) On and after January 1, 2020, each commercial food wholesaler
83 or distributor, industrial food manufacturer or processor, supermarket,
84 resort or conference center that is located not more than twenty miles
85 from an authorized source-separated organic material composting
86 facility and that generates an average projected volume of not less than
87 fifty-two tons per year of source-separated organic materials shall: (A)
88 Separate such source-separated organic materials from other solid
89 waste; and (B) ensure that such source-separated organic materials are
90 recycled at any authorized source-separated organic material
91 composting facility that has available capacity and that will accept
92 such source-separated organic material.

93 Sec. 5. (NEW) (*Effective October 1, 2013*) The Commissioner of
94 Energy and Environmental Protection, in consultation with other state
95 agencies or quasi-public agencies, shall identify opportunities for the
96 establishment of a new, or the expansion of any existing, recycling
97 infrastructure investment program.

98 Sec. 6. (NEW) (*Effective October 1, 2013, and applicable to assessment*
99 *years commencing on or after said date*) (a) For the purposes of this
100 section:

101 (1) "Municipality" has the same meaning as provided in section 12-
102 129r of the general statutes.

103 (2) "Recycling" has the same meaning as provided in section 22a-207
104 of the general statutes.

105 (b) Any municipality may, by ordinance adopted by its legislative
106 body, provide an exemption from property tax for any machinery or
107 equipment used in connection with recycling that is installed on or
108 after October 1, 2013. Any such exemption shall apply only to: (1) The
109 increased value of the commercial or industrial property that is
110 attributable to such machinery or equipment, and (2) the first fifteen

111 assessment years following installation of such machinery or
112 equipment.

113 Sec. 7. (NEW) (*Effective from passage*) (a) Not later than June 30, 2013,
114 the Department of Energy and Environmental Protection, in
115 consultation with the Office of Policy and Management, shall initiate
116 one or more audits of the Connecticut Resources Recovery Authority.
117 The Connecticut Resources Recovery Authority shall cooperate fully
118 with any such audit and shall pay the cost of any such audit provided
119 such payment shall not exceed a cumulative total of five hundred
120 thousand dollars. Any such audit may include, but need not be limited
121 to, a review or analysis of: (1) The results of any such audits, review of
122 any investigation of said authority or by said authority that occurred
123 prior to the effective date of this section, (2) the financial condition of
124 said authority, (3) said authority's short and long-term liabilities,
125 including, but not limited to, such liabilities to bond holders,
126 employees, former employees and such liabilities from lawsuits, leases,
127 contractual obligations and any other matter, (4) said authority's
128 existing and projected revenues, (5) said authority's cash flow
129 projections for each of the next three calendar years, (6) said authority's
130 operations, including, but not limited to, human resources, facilities
131 use, information technology services, and identification of potential
132 operating efficiencies, (7) said authority's internal controls, financial
133 management and risk management practices, and (8) any transaction
134 of said authority.

135 (b) On or before October 30, 2013, the Department of Energy and
136 Environmental Protection, in conjunction with the Office of Policy and
137 Management, shall provide a summary of the findings of such audits
138 to the Governor and the joint standing committees of the General
139 Assembly having cognizance of matters relating to the environment,
140 appropriations and government administration.

141 Sec. 8. (*Effective from passage*) (a) There is established a Resources
142 Recovery Task Force to study the operations, financial stability and
143 business models for resource recovery facilities operating in the state.

144 (b) The task force shall consist of the following members:

145 (1) One appointed by the speaker of the House of Representatives,
146 who shall be a municipal official or a representative of an organization
147 that represents municipalities;

148 (2) One appointed by the President pro tempore of the Senate, who
149 shall be a municipal official or a representative of an organization that
150 represents municipalities;

151 (3) One appointed by the minority leader of the House of
152 Representatives, who shall be a municipal official or a representative
153 of an organization that represents municipalities;

154 (4) One appointed by the minority leader of the Senate, who shall be
155 a municipal official or a representative of an organization that
156 represents municipalities;

157 (5) Four appointed by the Governor, one of whom shall be a
158 representative of the solid waste hauling industry and three who shall
159 each represent resource recovery facilities in this state or have
160 experience in energy procurement;

161 (6) The Commissioner of Energy and Environmental Protection, or
162 the commissioner's designee;

163 (7) The Secretary of the Office of Policy and Management, or the
164 secretary's designee; and

165 (8) The Commissioner of Administrative Services, or the
166 commissioner's designee.

167 (c) All appointments to the task force shall be made not later than
168 thirty days after the effective date of this section. Any vacancy shall be
169 filled by the appointing authority.

170 (d) The Commissioner of Energy and Environmental Protection, or
171 the commissioner's designee shall serve as the chairperson of the task

172 force. Such chairperson shall schedule the first meeting of the task
173 force, which shall be held not later than sixty days after the effective
174 date of this section.

175 (e) The administrative staff of the Department of Energy and
176 Environmental Protection shall serve as administrative staff of the task
177 force.

178 (f) Not later than December 15, 2013, the task force shall submit a
179 report on its findings and recommendations to the joint standing
180 committee of the General Assembly having cognizance of matters
181 relating to energy, in accordance with the provisions of section 11-4a of
182 the general statutes. Such report shall include:

183 (1) A review of the applicable statutes and regulations regarding
184 renewable energy certificate credits provided to resource recovery
185 facilities in the state and a recommendation on whether such statutes
186 should be modified. For any such recommendation, the task force shall
187 specify the expected economic impact that such recommendation will
188 have on resource recovery facilities, municipalities and energy
189 consumers in the state;

190 (2) An analysis of the financial status of the resource recovery
191 facilities operating in the state and recommendations to improve such
192 status, including, but not limited to, whether bilateral purchasing
193 agreements between resource recovery facility-based businesses and
194 the state or municipalities would provide a mechanism for improving
195 the long-term financial stability of such facilities;

196 (3) Recommendations for any changes to the statutes and
197 regulations concerning bilateral purchase agreements and a
198 description of the effect that such recommendations would have on the
199 anticipated structure of such agreements and the financial impacts
200 such agreements would have on resource recovery facilities,
201 municipalities, and energy consumers in the state;

202 (4) A recommendation on whether resource recovery facilities in

203 this state should be defined as an "electric municipal utility" for the
204 purpose of the municipalities such facilities serve; and

205 (5) Any other recommendations the task force deems appropriate
206 concerning the future of resource recovery facilities in the state and the
207 long-term financial status of such facilities.

208 (f) The task force shall terminate on the date it submits such report
209 or December 15, 2013, whichever is later.

210 Sec. 9. (NEW) (*Effective from passage*) The Connecticut Resources
211 Recovery Authority shall develop a transition plan for: (1) Achieving a
212 sustainable business model that improves the long-term financial
213 stability of said authority, or (2) conducting the dissolution of said
214 authority and the disposing of said authority's assets. Such plan shall
215 be transmitted to the Governor and the joint standing committees of
216 the General Assembly having cognizance of matters relating to energy
217 and the environment on or before November 30, 2013. Such plan shall
218 be developed in consultation with the Resources Recovery Task Force
219 established in section 2 of this act. In developing such plan, the
220 authority shall detail and give consideration to, but not be limited to,
221 an assessment of:

222 (A) The benefits and consequences of: (i) The closure or sale of the
223 Mid-Connecticut Resource Recovery Facility, (ii) the transition of such
224 facility to an alternative use such as a solid waste management facility,
225 and (iii) the sale of other authority assets;

226 (B) The reductions in authority expenses, including, but not limited
227 to, management fees, labor costs, contract obligations and legal fees;

228 (C) Said authority's financial and legal liabilities and an evaluation
229 of whether such liabilities may be eliminated or mitigated;

230 (D) The operational requirements of said authority's regional
231 transfer stations, landfills and any other functional role of said
232 authority;

233 (E) Said authority's state-wide role in the areas of bonding,
234 education and development and how such transition plan affects that
235 role; and

236 (F) The post-closure responsibilities and liabilities of said authority
237 for landfills under said authority's care and control.

238 Sec. 10. Section 22a-261 of the general statutes is repealed and the
239 following is substituted in lieu thereof (*Effective from passage*):

240 (a) There is hereby established and created a body politic and
241 corporate, constituting a public instrumentality and political
242 subdivision of the state of Connecticut established and created for the
243 performance of an essential public and governmental function, to be
244 known as the Connecticut Resources Recovery Authority. The
245 authority shall not be construed to be a department, institution or
246 agency of the state.

247 (b) On and before May 31, 2002, the powers of the authority shall be
248 vested in and exercised by a board of directors, which shall consist of
249 twelve directors: Four appointed by the Governor and two ex-officio
250 members, who shall have a vote including the Commissioner of
251 Transportation and the Commissioner of Economic and Community
252 Development; two appointed by the president pro tempore of the
253 Senate, two by the speaker of the House, one by the minority leader of
254 the Senate and one by the minority leader of the House of
255 Representatives. Any such legislative appointee may be a member of
256 the General Assembly. The directors appointed by the Governor under
257 this subsection shall serve for terms of four years each, from January
258 first next succeeding their appointment, provided, of the directors first
259 appointed, two shall serve for terms of two years, and two for terms of
260 four years, from January first next succeeding their appointment. Any
261 vacancy occurring under this subsection other than by expiration of
262 term shall be filled in the same manner as the original appointment for
263 the balance of the unexpired term. Of the four members appointed by
264 the Governor under this subsection, two shall be first selectmen,

265 mayors or managers of Connecticut municipalities; one from a
266 municipality with a population of less than fifty thousand, one from a
267 municipality of over fifty thousand population; two shall be public
268 members without official governmental office or status with extensive
269 high-level experience in municipal or corporate finance or business or
270 industry, provided not more than two of such appointees shall be
271 members of the same political party. The chairman of the board under
272 this subsection shall be appointed by the Governor, with the advice
273 and consent of both houses of the General Assembly and shall serve at
274 the pleasure of the Governor. Notwithstanding the provisions of this
275 subsection, the terms of all members of the board of directors who are
276 serving on May 31, 2002, shall expire on said date.

277 (c) On and after June 1, 2002, the powers of the authority shall be
278 vested in and exercised by a board of directors, which shall consist of
279 eleven directors as follows: Three appointed by the Governor, one of
280 whom shall be a municipal official of a municipality having a
281 population of fifty thousand or less and one of whom shall have
282 extensive, high-level experience in the energy field; two appointed by
283 the president pro tempore of the Senate, one of whom shall be a
284 municipal official of a municipality having a population of more than
285 fifty thousand and one of whom shall have extensive high-level
286 experience in public or corporate finance or business or industry; two
287 appointed by the speaker of the House of Representatives, one of
288 whom shall be a municipal official of a municipality having a
289 population of more than fifty thousand and one of whom shall have
290 extensive high-level experience in public or corporate finance or
291 business or industry; two appointed by the minority leader of the
292 Senate, one of whom shall be a municipal official of a municipality
293 having a population of fifty thousand or less and one of whom shall
294 have extensive high-level experience in public or corporate finance or
295 business or industry; two appointed by the minority leader of the
296 House of Representatives, one of whom shall be a municipal official of
297 a municipality having a population of fifty thousand or less and one of
298 whom shall have extensive, high-level experience in the environmental

299 field. No director may be a member of the General Assembly. Not
300 more than two of the directors appointed by the Governor shall be
301 members of the same political party. The appointed directors shall
302 serve for terms of four years each, provided, of the directors first
303 appointed for terms beginning on June 1, 2002, (1) two of the directors
304 appointed by the Governor, one of the directors appointed by the
305 president pro tempore of the Senate, one of the directors appointed by
306 the speaker of the House of Representatives, one of the directors
307 appointed by the minority leader of the Senate and one of the directors
308 appointed by the minority leader of the House of Representatives shall
309 serve an initial term of two years and one month, and (2) the other
310 appointed directors shall serve an initial term of four years and one
311 month. The appointment of each director for a term beginning on or
312 after June 1, 2004, shall be made with the advice and consent of both
313 houses of the General Assembly. The Governor shall designate one of
314 the directors to serve as chairperson of the board, with the advice and
315 consent of both houses of the General Assembly. The chairperson of
316 the board shall serve at the pleasure of the Governor. Any appointed
317 director who fails to attend three consecutive meetings of the board or
318 who fails to attend fifty per cent of all meetings of the board held
319 during any calendar year shall be deemed to have resigned from the
320 board. Any vacancy occurring other than by expiration of term shall be
321 filled in the same manner as the original appointment for the balance
322 of the unexpired term. As used in this subsection, "municipal official"
323 means the first selectman, mayor, city or town manager or chief
324 financial officer of a municipality that has entered into a solid waste
325 disposal services contract with the authority and pledged the
326 municipality's full faith and credit for the payment of obligations
327 under such contract.

328 (d) The chairperson shall, with the approval of the directors,
329 appoint a president of the authority who shall be an employee of the
330 authority and paid a salary prescribed by the directors. The president
331 shall supervise the administrative affairs and technical activities of the
332 authority in accordance with the directives of the board.

333 (e) Each director shall be entitled to reimbursement for said
334 director's actual and necessary expenses incurred during the
335 performance of said director's official duties.

336 (f) Directors may engage in private employment, or in a profession
337 or business, subject to any applicable laws, rules and regulations of the
338 state or federal government regarding official ethics or conflict of
339 interest.

340 (g) Six directors of the authority shall constitute a quorum for the
341 transaction of any business or the exercise of any power of the
342 authority, provided, two directors from municipal government shall be
343 present in order for a quorum to be in attendance. For the transaction
344 of any business or the exercise of any power of the authority, and
345 except as otherwise provided in this chapter, the authority shall have
346 power to act by a majority of the directors present at any meeting at
347 which a quorum is in attendance. If the legislative body of a
348 municipality that is the site of a facility passes a resolution requesting
349 the Governor to appoint a resident of such municipality to be an ad
350 hoc member, the Governor shall make such appointment upon the
351 next vacancy for the ad hoc members representing such facility. The
352 Governor shall appoint with the advice and consent of the General
353 Assembly ad hoc members to represent each facility operated by the
354 authority provided at least one-half of such members shall be chief
355 elected officials of municipalities, or their designees. Each such facility
356 shall be represented by two such members. The ad hoc members shall
357 be electors from a municipality or municipalities in the area to be
358 served by the facility and shall vote only on matters concerning such
359 facility. The terms of the ad hoc members shall be four years.

360 [(h) There is established, effective June 1, 2002, a steering committee
361 of the board of directors, consisting of at least three but not more than
362 five directors, who shall be jointly appointed by the Governor, the
363 president pro tempore of the Senate and the speaker of the House of
364 Representatives. Said committee shall consist of at least one director
365 who is a municipal official, as defined in subsection (c) of this section.

366 The steering committee shall forthwith establish a financial
367 restructuring plan for the authority, subject to the approval of the
368 board of directors, and shall implement said plan. The financial
369 restructuring plan shall determine the financial condition of the
370 authority and provide for mitigation of the impact of the Connecticut
371 Resources Recovery Authority-Enron-Connecticut Light and Power
372 Company transaction on municipalities which have entered into solid
373 waste disposal services contracts with the authority. The steering
374 committee shall also review all aspects of the authority's finances and
375 administration, including but not limited to, tipping fees and
376 adjustments to such fees, the annual budget of the authority, any
377 budget transfers, any use of the authority's reserves, all contracts
378 entered into by or on behalf of the authority, including but not limited
379 to, an assessment of the alignment of interests between the authority
380 and the authority's contractors, all financings or restructuring of debts,
381 any sale or other disposition or valuation of assets of the authority,
382 including sales of electricity and steam, any joint ventures and
383 strategic partnerships, and the initiation and resolution of litigation,
384 arbitration and other disputes. The steering committee (1) shall have
385 access to all information, files and records maintained by the authority,
386 (2) may retain consultants and utilize other resources necessary to
387 carry out its responsibilities under this subsection, which have a total
388 cost of not more than five hundred thousand dollars, without the
389 approval of the board of directors, and may draw on accounts of the
390 authority for such costs, and (3) shall submit a report to the board of
391 directors and the General Assembly, in accordance with section 11-4a,
392 on its findings, progress and recommendations for future action by the
393 board of directors in carrying out the purposes of this subsection, not
394 later than December 31, 2002. Said report shall also include a report on
395 any loans made to the authority under section 22a-268d. The steering
396 committee shall terminate on December 31, 2002, unless extended by
397 the board.]

398 [(i)] (h) The board may delegate to three or more directors such
399 board powers and duties as it may deem necessary and proper in

400 conformity with the provisions of this chapter and its bylaws. At least
401 one of such directors shall be a municipal official, as defined in
402 subsection (c) of this section, and at least one of such directors shall not
403 be a state employee.

404 [(j)] (i) Appointed directors may not designate a representative to
405 perform in their absence their respective duties under this chapter.

406 [(k)] (j) The term "director", as used in this section, shall include
407 such persons so designated as provided in this section and this
408 designation shall be deemed temporary only and shall not affect any
409 applicable civil service or retirement rights of any person so
410 designated.

411 [(l)] (k) The appointing authority for any director may remove such
412 director for inefficiency, neglect of duty or misconduct in office after
413 giving the director a copy of the charges against the director and an
414 opportunity to be heard, in person or by counsel, in the director's
415 defense, upon not less than ten days' notice. If any director shall be so
416 removed, the appointing authority for such director shall file in the
417 office of the Secretary of the State a complete statement of charges
418 made against such director and the appointing authority's findings on
419 such statement of charges, together with a complete record of the
420 proceedings.

421 [(m)] (l) The authority shall continue as long as it has bonds or other
422 obligations outstanding and until its existence is terminated by law.
423 Upon the termination of the existence of the authority, all its rights and
424 properties shall pass to and be vested in the state of Connecticut.

425 [(n)] (m) The directors, members and officers of the authority and
426 any person executing the bonds or notes of the authority shall not be
427 liable personally on such bonds or notes or be subject to any personal
428 liability or accountability by reason of the issuance thereof, nor shall
429 any director, member or officer of the authority be personally liable for
430 damage or injury, not wanton or wilful, caused in the performance of

431 such person's duties and within the scope of such person's
 432 employment or appointment as such director, member or officer.

433 [(o)] (n) Notwithstanding the provisions of any other law to the
 434 contrary, it shall not constitute a conflict of interest for a trustee,
 435 director, partner or officer of any person, firm or corporation, or any
 436 individual having a financial interest in a person, firm or corporation,
 437 to serve as a director of the authority, provided such trustee, director,
 438 partner, officer or individual shall abstain from deliberation, action or
 439 vote by the authority in specific respect to such person, firm or
 440 corporation.

441 Sec. 11. Sections 22a-268c to 22a-268f, inclusive, of the general
 442 statutes are repealed. (*Effective from passage*)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	22a-207a
Sec. 2	<i>October 1, 2013</i>	22a-208f
Sec. 3	<i>October 1, 2013</i>	22a-220a(g)
Sec. 4	<i>October 1, 2013</i>	22a-226e(a)
Sec. 5	<i>October 1, 2013</i>	New section
Sec. 6	<i>October 1, 2013, and applicable to assessment years commencing on or after said date</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	22a-261
Sec. 11	<i>from passage</i>	Repealer section